

1695

LYONS & PIPES

ATTORNEYS AT LAW

510-519 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

REGISTERED
RETURN RECEIPT

September 7th, 1951.

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Ala.

Dear Mrs. Duck:

We endlose herewith original and one copy of de-
murrer on behalf of the defendant W. D. Powell, which
we ask that you file in the case of J. L. Walker v.
W. D. Powell, #1695, Circuit Court, Baldwin County, Ala.

Very truly yours,

LYONS & PIPES

Sam W. Pipes, III

SWP:ee

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. D. POWELL to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of J. L. WALKER.

Witness my hand, this 17th day of August, 1951.

Reid J. Smith
Clerk

J. L. WALKER

PLAINTIFF

VS

W. D. POWELL

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

1.


The Plaintiff claims of the defendant FIVE HUNDRED (\$500.00) DOLLARS as damages, for that heretofore on to-wit, April 18, 1951, the Plaintiff was operating his automobile along United States highway 31, at a point approximately one and one half miles ($1\frac{1}{2}$) North of the court house at Bay Minette, in Baldwin County, Alabama, and at said time and place the Defendant W. D. Powell, acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment negligently drove an automobile into or against the automobile of the Plaintiff, and as a proximate result of said negligence on the part of the Defendant acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment, the Plaintiff's automobile was knocked off of the highway; the fenders were bent; the body was bent; the frame was bent; the hood was bent; the wheels were bent; and the said car was otherwise damaged, hence this suit.

2.

The Plaintiff claims of the Defendant the further sum of ONE THOUSAND (\$1000.00) DOLLARS as damages for that heretofore on to-wit, April 18, 1951, the Plaintiff was operating his automobile along highway 31 in Baldwin County, Alabama, at a point approximately one and one half miles ($1\frac{1}{2}$) North of the court house at Bay Minette and at said time and place

The Defendant acting by and through his agent, servant or employee negligently drove an automobile into or against the automobile in which the Plaintiff was riding and as a proximate result thereof the Plaintiff received personal injuries and damages as follows: that he was cut on the right cheek; that he was cut and bruised on the head; that his right arm was injured; that his right side was injured; that he was injured internally; that his right knee and leg were injured; that he was permanently injured; that he was caused to lose time from his work; that he incurred doctor and medical bills.

The Plaintiff alleges that his injuries and damages were the proximate result of the negligence of the Defendant acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment.



Attorney for the Plaintiff



Attorney for the Plaintiff

Received in Sheriff's Office
this 12 day of Aug, 1951
TAYLOR WILKINS, Sheriff

OK 69 MO 1695- 134
J. L. WALKER

RECORDED

PLAINTIFF

VS

W. D. POWELL 31/3

DEFENDANT

BILL OF COMPLAINT

FILED

AUG 17 1951

ALICE A. DUCK, Clerk

Received 30 Day of Aug 1951
and on 31 Day of Aug 1951
I served a copy of the within
on W. D. Powell
by service on _____

W. H. HOLCOMBE, Sheriff

By W. H. Holcombe

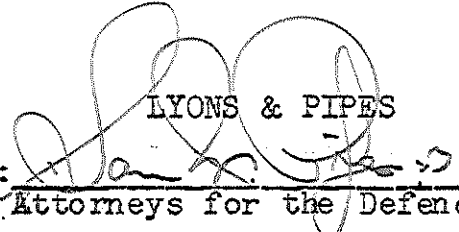
J. L. WALKER, PLAINTIFF)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA.
W. D. POWELL, DEFENDANT)	AT LAW NO. 1695.

Comes now the defendant in the above entitled cause and demurs to Count One of the plaintiff's complaint, and as grounds therefor sets down and assigns the following separate and several grounds:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. For aught that appears from said count, plaintiff's automobile was not at a place where it had a legal right to be at the time of the accident.
3. For aught that appears from said count, plaintiff's automobile was trespassing upon property of the defendant at the time and place complained of.
4. For aught that appears from said count, the damage to the plaintiff's automobile was not the proximate result of any act, or failure to act on the part of the defendant.

And comes the defendant in the above entitled cause and demurs to plaintiff's count Two, and as grounds therefor sets down and assigns the following separate and several grounds:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. For aught that appears from said count plaintiff's injuries were not a proximate result of any act of the defendant or any failure to act of the defendant.
3. For aught that appears from said count plaintiff was a trespasser on the property of the defendant at the time and place complained of.

By: 
Attorneys for the Defendant.

LYONS & PIPES

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RECORDED

BALDWIN COUNTY, ALA.
AT LAW NO. 1695

J. L. WALKER, PLAINTIFF

V.

W. D. POWELL, DEFENDANT.

DEMURRER

FILED

SEP 11 1951

ALICE J. DUCK, Clerk

LYONS, THOMAS AND PIPES

516-517-519 FIRST NATIONAL BANK BLDG.

MOBILE 8, ALABAMA